



## SCAROLA ZUBATOV SCHAFFZIN PLLC

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October 14, 2020

Hon. Alison J. Nathan  
United States District Judge  
United States District Court  
— Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Koestler v. Shkreli*, No. 16-cv-7175 (AJN)

Dear Judge Nathan:

We represent the petitioner Dr. Thomas P. Koestler and write with respect to the Court's Order entered today (ECF # 35) directing service of our papers and a schedule for briefing our application to compel judgment enforcement discovery.

The Court's Order directed that we serve by Friday, October 16. We are serving today by the means we proposed in the final paragraph of our proposed Order to Show Cause (ECF # 32; copy enclosed) and will file our affidavit of service when we have completed the process.

Because today's Order did not specifically reference the proposed Order to Show Cause (or any other means of service), we write to clarify if any other means of service is expected by the Court. (For the reasons stated in our supporting Memorandum (ECF # 33), pp. 16-17, we believe the service we had proposed is sufficient and certain to give necessary notice to Mr. Shkreli and the Kang Firm, but write now in the abundance of caution).

Respectfully submitted,



Richard J.J. Scarola

Encl.  
By ECF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THOMAS P. KOESTLER,

Petitioner,

-against-

MARTIN SHKRELI,

Respondent.

Civil No. 16-cv-7175 (AJN)

ORDER TO SHOW CAUSE

Upon petitioner Thomas P. Koestler's application, including the Declaration of Richard J.J. Scarola dated October 8, 2020 (the "Scarola Declaration"), with exhibits annexed thereto, and the petitioner's contemporaneously filed Memorandum of Law, it is hereby

ORDERED that respondent Martin Shkreli and the non-party Kang Haggerty & Fetbroyt LLC (the "Kang Firm") show cause before this Court on \_\_\_\_\_, 2020, at \_\_\_\_\_.m., or as soon thereafter as counsel and the parties can be heard, at a hearing to be held by means of \_\_\_\_\_, why an order should not be entered:

- (i) requiring respondent Martin Shkreli to respond fully and completely to the judgment enforcement discovery requests to him appearing at Exhibit K to the Scarola Declaration;
- (ii) requiring the Kang Firm to respond fully and completely to the judgment enforcement discovery requests to it appearing at Exhibit L to the Scarola Declaration; and
- (iii) requiring respondent Martin Shkreli and The Kang Firm to reimburse the petitioner's attorneys' fees and costs associated with this application; and it is hereby further

ORDERED that opposition papers shall be filed and served either by the Court's electronic filing system or by overnight mail so as to be received by petitioner's counsel no later than \_\_\_\_\_, 2020; and that reply papers in further support of this application may be filed and served in the manner allowed for service of this Order in the following paragraph no later than \_\_\_\_\_, 2020; and it is hereby further

ORDERED that counsel for petitioner shall serve a copy of this Order and the papers upon which it is granted upon each of respondent Martin Shkreli and the Kang Firm by both Federal Express overnight or USPS next available day delivery service and certified mail, returned receipt requested delivery,

for Mr. Shkreli, at:

Mr. Martin Shkreli  
(Inmate I.D. #87850-053)  
Federal Correctional Institution (FCI) – Allenwood Low  
P.O. Box 1000  
White Deer, PA 17887

for the Kang Firm at:

Kang Haggerty & Fetbroyt LLC  
Attn.: Edward Kang, Esq.  
123 S. Broad Street  
Suite 1670  
Philadelphia, PA 19109

in each case at the address where petitioner's counsel has represented that they were served with the judgment enforcement discovery papers in issue; and a copy of the papers shall also be sent by email by that same date to attorney Kandis Kovalsky at the Kang Firm.

Dated: October \_\_, 2020

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U.S.D.J.